

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

New Start Asset Recovery LLC,
Plaintiff
v.
Stephen R. Usiak, et al.,
Defendants

2:15-cv-01940-JAD-CWH
Order Adopting Report and
Recommendation and Dismissing and
Closing Case
[ECF No. 19]

Plaintiff New Start Asset Recovery, LLC, filed this mortgage-foreclosure case against Stephen and Rosa Usiak, Deutsche Bank National Trust Company, and Trustee Corps in October 2015.¹ New Start stipulated to dismiss its claims against Deutsche Bank,² and on March 14, 2016, it was advised that the claims against Stephen and Rosa Usiak would be dismissed without prejudice unless it filed proof of service by April 13, 2016.³ New Start did not file proof of service by this deadline, so I dismissed all claims against the Usiaks without prejudice.⁴

On June 7, 2016, Magistrate Judge Hoffman ordered New Start to file proof of timely service on the Trustee Corps—the only remaining defendant—or request an extension of time for service by July 7, 2016.⁵ The magistrate judge further ordered New Asset, which is a limited-liability company that cannot represent itself in federal court, to retain an attorney and have that attorney appear on its behalf by that date.⁶

New Start did not comply with the magistrate judge's order, so he now recommends that I

¹ ECF No. 1.

² ECF Nos. 13, 14.

³ ECF No. 16.

⁴ ECF No. 17.

⁵ ECF No. 18.

⁶ *Id.* at 2 (citing *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994)).

1 dismiss all claims against the Trustee Corps without prejudice under Federal Rule of Civil Procedure
2 4(m).⁷ “[N]o review is required of a magistrate judge’s report and recommendation unless
3 objections are filed.”⁸ Objections to the magistrate judge’s report and recommendation were due by
4 July 29, 2016, and New Start has not filed an objection or requested an extension to do so.

5 Accordingly, IT IS HEREBY ORDERED that **the magistrate judge’s report and**
6 **recommendation [ECF No. 19] is ADOPTED; all claims against the Trustee Corps are**
7 **DISMISSED without prejudice.**

8 The Clerk of Court is instructed to CLOSE THIS CASE

9 Dated this 5th day of August 2016.

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11 Jennifer A. Dorsey
12 United States District Judge
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26 ⁷ ECF No. 19.

27 ⁸ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474
28 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).